

Minutes of the Regular Meeting of the Mayor and Council, Borough of Keyport, held on the above date in the Borough Hall Council Chambers, Keyport, N.J., pursuant to the adoption of the Annual Notice on file with the Borough Clerk, forwarded to the Asbury Park Press, Independent, Two River Times and Newark Star Ledger and posted on the Bulletin Board in accordance with the Open Public Meeting Act, P.L. 1975, Ch. 231.

Mayor Harry Aumack II called the meeting to order at 7:00 PM and Borough Clerk read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present:

Councilmembers Sheridan, Tomczak, McPeck, Lamberson, Toglia, Howe, Mayor Harry Aumack II.

Others present: Borough Administrator, Lorene Wright

Borough Attorney: Andrew Provence

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

CONSENT AGENDA

(All resolutions listed hereunder are considered to be routine in nature and will be enacted in one motion. Any person may request that an item be removed for separate consideration.)

Clerk Valerie Heilweil read resolutions on the Consent Agenda.

R203-13 Payment of Bills

R204-13 Application for Raffle License – Keyport Indians – Tricky-Tray gift auction to be held August 24, 2013 between 6-10PM

R205-13 Application for Raffle License – Keyport Indians – On-Premise 50/50 Cash Raffle to be held August 24, 2013 from 6-10PM

R206-13 Application for Raffle License – Keyport Indians – On-Premise 50/50 Cash Raffle to be held various dates between July 28, 2013 through December 7, 2013

R207-13 Application for Raffle License – St. Mary's R. C. Church – On-Premise 50/50 Cash Raffle to be held September 29, 2013 (Rain Date 10/13/13) between 12Noon-5PM

R208-13 Application for Raffle License – St. Mary's R. C. Church – On Premise 50/50 Cash Raffle to be held July 21, 2013 (Rain date 8/4/13) from 12Noon-5PM

R209-13 Application for a Raffle License – Jesus the Lord Church - Tricky Tray – to be held Sunday, October 27, 2013 between 1-5PM

R210-13 Application for Raffle License – Jesus the Lord Church – On-Premise 50/50 Cash Raffle to be held Sunday, October 27, 2013 between 1-5PM

R211-13 To Approve Shared Services Agreement with Monmouth County – MODIV

R212-13 Appointment of Temporary Part-Time Intern – Kathryn Munoz

R213-13 Appointment of Temporary Seasonal DPW Laborer – Ryan Milligan

R214-13 Appointment of Temporary Seasonal DPW Laborer – Kellie Howe

R215-13 Appointment of Deputy Emergency Management Coordinator – George Sappah

R216-13 Appointment of Deputy Emergency Management Coordinator – Joy-Michele Tomczak

R217-13 Authorizing the Preparation of a United States Department of Agriculture, Rural Development Office (USDA-RD) Eligibility Determination Application for Water System Improvement Funding

R218-13 Authorizing the Preparation of a USDA-RD Supplemental Funding Application for Sanitary Sewer Infrastructure Improvements (Contract No. 3B)

R219-13 Authorizing Purchase of Emergency Notification System

R220-13 Authorizing Purchase of Computer Installation Services for Twelve Computers

R221-13 Authorizing Emergency Repair to Sanitary Sewer System at Broad Street and Maple Place

R222-13 Removing Property Associated with Utility Account 50025600-0 from Shut-Off List

R223-13 Authorizing the Sale of Block 1.01, Lot 43, to Contiguous Owner Tamara Rubinstein

R224-13 Authorizing Settlement Agreement between Borough of Keyport and JAK Construction T/A Diamond Construction

R225-13 Accepting the Proposal of T & M Associates to Provide Contract Administration and Inspection Services for "Beyond Contract" Work Necessary to Close Out the Construction Phase of Benjamin Terry Park

Motion made by Sheridan, carried by Tomczak to remove **R127-13** and **R128-13** for separate consideration.

Motion made by McPeek, carried by Sheridan to table **R221-13**

Mayor mentioned that we have a resolution on the agenda tonight for emergency notification system

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 7:14 PM by McPeek, carried by Howe with ayes by all present.

Dennis Fotopoulos, 77 Beers Street- asked about the settlement agreement with the contractor for Benjamin Terry Park **R224-13** and **R225-13** for “Beyond Contract” work for T&M. Asked if Council is satisfied with T&M, as our Engineers on this project.

Attorney answered Mr. Fotopoulo’s questions.

Elmer Graham Jr. 22 St Peter Place asked about the MODIV agreement in R211-13. Also asked about railing at Waterfront Park.

Administrator explained property tax information is maintained by the county on their MODIV system. Explained railings should be complete by July 4th. Explained that the electrical repairs at Waterfront Park are moving along.

Michael Lane asked whether there would be a reduction of liquor licenses renewal fees due to Sandy. Concerned this will be a resolution.

Administrator & Mayor stated this will not become a resolution this evening

George Walling asked about Administrator’s workman’s comp claim. Asked how it is being handled.

There being no more comments or questions from the public, the meeting was closed to the public at 7:31 PM moved by Sheridan, carried by McPeek with ayes by all present.

APPROVAL OF RESOLUTIONS

Motion on the Consent Agenda made by Toglia, carried by Lamberson, excluding R217-13 and R218-13 which were pulled for separate consideration and R221-13 which was tabled.

Roll Call Vote: Ayes: Councilmembers Sheridan, Tomczak, McPeek, Lamberson, Toglia, Howe
Nays:
Absent:
Abstain: Councilman Tomczak abstained from any payment on the Bill’s List to Future Sanitation

Presentation by Engineer Ian Azar of Hatch Mott MacDonald

Spoke about the sewer infrastructure in the Borough, made of clay pipes which date back to 1910, installed in three foot lengths causing many joint connections.

Borough secured a funding source and through the USDA applied and received a low interest loan (2.7%). We are in the midst of Contract 3A. Pipes are being relined to cure structural deficiencies. Sewer system is eating mortar and we have only bricks remaining. Laterals are being cut and repaired.

Contract 3B will be the replacement section of the contract. Open joints can cause sink holes in the roadways. Updating inaccurate mapping as project moves forward. Also finding numerous utility conflicts. Because of these difficulties cost per pipeline becomes greater.

McPeek- asked percentage of system repaired once completed

Ian Azar- roughly 25%- sump pumps connected to the sewer lines need to be addressed. Most older residences have sump pumps connected to the water line

Sheridan- asked what percent of sewer lines need to be dug up

Ian Azar- 8,000 linear feet or about 15%. Sewer system is falling apart as it is being rehabbed.

Brian Dougherty of HMM will address water system:

1. Meter replacement- current meters are 15-25 years old. Will install AMR-Automatic Meter Reading System. Unaccounted for water is about 25%. \$1.5 million for new meters and radius.
2. Water Tank Decommissioning existing tank built in 1896. No water is in it so it currently serves no purpose. \$200,000 to decommission and remove.
3. Water main distribution system upgrades- this would be a pro-active step to avoid future problems.

\$4.7 million would be total water program cost.

Mayor explained these resolutions are to apply for grants to help fund these improvements.

Brian Dougherty of Hatch Mott MacDonald explained- street pavements will be trench repaired.

McPeek- would like street pavement repair to be included in the repairs.

Tomczak- asked the time frame

Administrator- sewer would take 45 days. Design was conducted under Phase I of the contract. Believes work would be started sometime next summer.

At 8:20 Meeting is opened to the public by Howe, carried by Tomczak, for questions regarding water/sewer projects

Collette Kennedy 421 Atlantic Street- asked as an Environment Commissioner member would like an estimate of how many sump pumps are connected to the sewer lines. Would like to be able to offer solutions to home owners.

Ian Azar- could not give an estimate as to how many are actually hooked up.

Mayor Aumack- suggested Environmental Commissioner begin to come up with solutions.

Nancy Smalling, 107 Maple Place- Believes we need a program for the lines running into the residences from the lateral. Homeowner's pipes must be disintegrating if main lateral lines are.

Administrator Wright- stated that when contactor comes into bid for the Borough they would bid on the cost of repairing residential lines for homeowners as well.

Elmer Graham Jr., 22 St. Peter Place- asked why this was not fixed years ago.

Michael Lane- validating that when your lateral collapses you will know, because your toilet will not flush. Feels relining will give a small percentage impact without addressing the residential lines.

At 8:40 PM Meeting is closed to the public on Water/Sewer issues by McPeek, carried by Toglia

Motion to approve **R217-13** Authorizing the Preparation of a United States Department of Agriculture, Rural Development Office (USDA-RD) Eligibility Determination Application for Water System Improvement Funding and **R218-13** Authorizing the Preparation of a USDA-RD Supplemental Funding Application for Sanitary Sewer Infrastructure Improvements (Contract No. 3B) was made by Sheridan, carried by Toglia.

Roll Call Vote: Ayes: Councilmembers Sheridan, Tomczak, McPeek, Lamberson, Toglia, Howe
Nays:
Absent:
Abstain:

Motion to amend the Agenda to consider Communication #9 was made by McPeek, carried by Sheridan with ayes by all.

Request for use of Waterfront Park from Lori Price Abrams of MWW Group for the purpose of an Economic Development Promotional Event to be held at the Waterfront Park gazebo and promenade on Thursday, June 27, 2013 from 12:01AM – 8:00PM

Stuart Koperweis, Executive Director of KBBC came forward and spoke of “Stronger Than The Storm” program. An event will take place for a 2-3 hour period. Set up would begin in the night for this event. Motion to refer to Administrator was made by McPeek, carried by Lamberson with ayes by all present.

Motion to permit JCP&L to make a presentation was moved by Howe, carried by Toglia. Gerald Ricciardi of JCP&L spoke and asked Councilman Howe for order numbers of items that still need repair at Waterfront Park.

PUBLIC HEARINGS/ADOPTION OF ORDINANCES

1. Ordinance #6-13 – Bond Ordinance – Road Improvements to Luppatatong & Chingarora, Phase II

The Clerk reads the Ordinance by Title: **BOND ORDINANCE PROVIDING FOR ROAD IMPROVEMENTS TO LUPPATATONG AVENUE AREA (PHASE II) IN AND BY THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$650,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$447,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

1a. At 8:50 PM Motion to Open Public Hearing was made by Sheridan, carried by McPeek

Michael Lane- asked what the new debt to the Borough would be. Stated CFO Mr. Fallon had said debt would remain under \$900,000.

At 8:53 PM Motion to Close Public Hearing made by Sheridan, carried by McPeek

1b. Motion to adopt Ordinance was made by Sheridan, carried by McPeek
Roll Call:

Ayes: Sheridan, Tomczak, McPeek, Lamberson,
Nays:
Absent:
Abstain: Toglia, Howe

1c. Motion authorizing the Clerk to publish the Ordinance as adopted was made by Sheridan, carried by Tomczak

Roll call:

Ayes: Sheridan, Tomczak, McPeek, Lamberson, Toglia, Howe
Nays:
Absent:
Abstain:

2. Ordinance #7-13 – Bond Ordinance – Water/Sewer Utility Improvements, Perry Street Water Treatment Plant

The Clerk reads the Ordinance by Title: **BOND ORDINANCE PROVIDING FOR VARIOUS WATER/SEWER UTILITY IMPROVEMENTS, INCLUDING IMPROVEMENTS TO THE PERRY STREET WATER TREATMENT PLANT, IN AND BY THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY APPROPRIATING \$150,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$150,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE COST THEREOF**

2a. At 8:54 PM Motion to Open Public Hearing was made by Sheridan, carried by Lamberson

At 8:55 PM Motion to Close Public Hearing was made by Sheridan, carried by McPeek

2b. Motion to adopt Ordinance was made by Sheridan, carried by McPeek

Roll Call:

Ayes: Sheridan, Tomczak, McPeek, Lamberson, Toglia, Howe

Nays:
Absent:
Abstain:

2c. Motion authorizing the Clerk to publish the Ordinance as adopted made by Sheridan, carried by Tomczak with ayes by all present

3. Ordinance #8-13 – Bond Ordinance – Elizabeth Street Road Improvements

The Clerk reads the Ordinance by Title: **BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO ELIZABETH STREET IN AND BY THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$350,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$100,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

3a. At 8:56 PM Motion to Open Public Hearing was made by Sheridan, carried by Lamberson with ayes by all present

At 8:57 PM Motion to Close Public Hearing made by Sheridan, carried by McPeek with ayes by all present

3b. Motion to adopt Ordinance made by Sheridan, carried by Toggia

Roll Call:
Ayes: Sheridan, Tomczak, McPeek, Lamberson, Toggia, Howe
Nays:
Absent:
Abstain:

3c. Motion authorizing the Clerk to publish the Ordinance as adopted made by Sheridan, carried by McPeek with ayes by all present

4. Ordinance #9-13 – Salary Ordinance

The Clerk reads the Ordinance by Title: **AN ORDINANCE AMENDING AND SUPPLEMENTING AN ORDINANCE FIXING THE SALARIES OF THE VARIOUS OFFICERS, CLERKS AND EMPLOYEES OF THE BOROUGH OF KEYPORT, NJ, IN THE COUNTY OF MONMOUTH**

Administrator said that this ordinance needs to be amended because one title was left off, (Code Enforcement) which should be at existing range. Account Clerk will meet top range in January. Should be \$5,000 higher. Attorney recommend to re-introducing this ordinance as amended. Motion made by McPeek, carried by Sheridan.

Roll Call:
Ayes: Sheridan, Tomczak, McPeek, Lamberson, Toggia, Howe
Nays:
Absent:
Abstain:

INTRODUCTION OF ORDINANCES

1. Ordinance – Building Height in Special Flood Zones

The Clerk reads the Ordinance by Title: **AN ORDINANCE AMENDING CHAPTER XXV, LAND USE REGULATIONS, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT WITH RESPECT TO BUILDING HEIGHT IN AREAS OF SPECIAL FLOOD HAZARD**

1a. Motion to introduce this ordinance was made by Sheridan, and carried by Tomczak.

Roll Call:
Ayes: Sheridan, Tomczak, McPeek, Lamberson, Toggia, Howe
Nays:
Absent:
Abstain:

- 1b. Motion authorizing the Clerk to publish the Ordinance as introduced in the Asbury Park Press for a public hearing to be held July 16, 2013 was made by Sheridan, carried by Tomczak with ayes by all
- 1c. **RESOLUTION 226-13** Referring Proposed Ordinance to Amend the Borough's Land Use Regulations with Respect to Building Height in Areas of Special Flood Hazard to Planning Board for Review and Recommendation.
Motion made by Sheridan, carried by McPeek
Roll Call:
Ayes: Sheridan, Tomczak, McPeek, Lamberson, Toglia, Howe
Nays:
Absent:
Abstain:

COMMUNICATIONS AND PETITIONS

1. Email from Keyport Garden Club regarding their annual Read Project planting at the Keyport Free Public Library to be held on Saturday, June 22, 2013 and requesting the closure of Third Street between Broad and Division from 9:30AM-12Noon for the purpose of planting a garden.
Motion to approve and refer to Police Department made by Sheridan, carried by McPeek.
2. Email from the Township of Aberdeen requesting approval to have a firework display at St. Josephs field to be held on Friday, July 5, 2013.
Motion to refer to Police, and Fire Chief made by McPeek, carried by Sheridan.
3. Application for a Social Affairs Permit from the Organization for the Unity of the Puerto Ricans of Keyport NJ, Inc. for their Spanish-American Festival to be held at Beach Park on August 10, 2013 from 12Noon – 9PM (*Chief Casaletto has signed off*).
Motion made by Sheridan, carried by McPeek.
4. Application for a Social Affairs Permit from Keyport Yacht Club for a fundraiser for the RAINE Foundation to be held Saturday/Sunday June 22 & 23, 2013 (*Chief Casaletto has signed off*)
Motion to approve Police and Fire Chief made by McPeek, carried by Sheridan.
5. Email regarding movie "A Chemical Reaction" about the dangers of chemical pesticide use, presented by the Bayshore Watershed Council and the Jersey Shore Sierra Club at Keyport Borough Hall on Thursday, June 13, 2013 at 7:30PM.
Motion receive and file was made by Sheridan, carried by Tomczak.
6. Notice regarding Vascular Screening at the Keyport Senior Center to be held Thursday, July 11, 2013 from 1:30-7:00PM. Motion to receive, file, and put on website was made by Sheridan, carried by McPeek.
7. Notice from Monmouth County regarding a Public Hearing on an amendment to the Solid Waste Plan to be held at the Monmouth County Hall of Records on Thursday, June 13, 2013
Motion to receive and file was made by Sheridan, carried by Tomczak.
8. Letter from Keyport Bayfront Business Cooperative (KBBC) requesting a waiver or reduction the liquor license renewal fees for businesses impacted by Sandy. Motion to receive and refer to Finance was made by McPeek, carried by Tomczak
9. Request for use of Waterfront Park from Lori Price Abrams of MWW Group for the purpose of an Economic Development Promotional Event to be held at the Waterfront Park gazebo and promenade on Thursday, June 27, 2013 from 12:01AM – 8:00PM.
Motion to approve, and refer to administration was moved by McPeek, and carried by Lamberson. (*This was addressed earlier*)
10. Letter from Kiwanis Club of Keyport, Inc. requesting support through the purchase of ad space in their journal and inviting all to their 90th Anniversary Celebration to be held Saturday, August 3, 2013 from 6-9PM at the Town and County Inn.
Motion for full page for \$100, was made by Sheridan, carried by McPeek.

11. Letter from Keyport Yacht Club regarding “Sailing for the Bayshore” Event, June 22-23 and requesting use of Waterfront Park and Vendor’s Permit for the sale of light sticks and teeshirts to light up the Bayshore. Also requesting waiver of all fees. Recreation is piggybacking this event with face painting.
Motion to approve was made by McPeck, carried by Sheridan.

UNFINISHED BUSINESS

1. Property Maintenance

Administrator working with Property Maintenance Official for grass cutting properties in non-compliance. Would like to introduce an Ordinance which includes an inspection fee. Unpaid municipal charges for grass cutting would become a lien against the property.

ATTORNEY'S REPORT

No Report

ADMINISTRATOR'S REPORT

No Report

PUBLIC COMMENT PORTION

At 9:39 PM the Meeting was opened to the public for comments or questions by Sheridan, carried by Toglia

Ed Burlew, 59 West Front Street- asked about Bayside Bar

Mayor- they have hired an architect and an engineer

Ed Burlew- asked about fencing at the corner of West Front Street and Main Street. Is that going to be fixed? It has been nearly eight weeks.

Bob Burlew- will follow-up

Ed Burlew- would like to know if there is way to alleviate traffic at the Central School. Believes someone will get hurt there.

Nancy Carew, 64 Broadway- read a letter from the Keyport Garden Club President regarding the Garden Walk. Has over \$2,200 guests over a two-day period. Thanked everyone for the success of this event.
Asked what chemicals were being sprayed by DPW employees down at the Waterfront Park. Would like more green ideas looked at.

George Walling 54 Second Street- asked about watch for Police Chief and lack of minutes on website.

Michael Lane- felt all businesses were impacted not just those businesses with liquor licenses.

Ed Burlew- mentioned he still had KBA money and is waiting for the Mayor to come and see him to get it.

Chief Casaletto- asked that the public make him aware of any traffic issues prior to hearing about it at a meeting.

At 10:02 PM the Meeting is closed to the public by Sheridan, carried by McPeck following a five minute break.

**RESOLUTION NO. 227-13
CLOSED EXECUTIVE SESSION**

WHEREAS, the Open Public Meetings Act, P.L. 197, Chapter 231, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, Mayor and Council of the Borough of Keyport are of the opinion that such circumstances presently exist; and

WHEREAS, the Governing Body wishes to discuss:

-Personnel

-Police Department:

- Dispatcher Grievance
- Officer on Leave
- DPW
- Termination of laborer
- Laborer Desk Audit
- Potential Litigation
- Electronic Billboard

NOW, THEREFORE, BE IT RESOLVED by the Governing Body that a meeting of the Mayor and Council shall be held forthwith from which the public shall be excluded in the Council Chambers, Borough Hall, for the purpose of discussing the above-mentioned items.

BE IT FURTHER RESOLVED that discussions on Personnel, and Potential Litigation be conducted at said Closed Session shall be disclosed when the matter discussed are resolved and this meetings hall continue in approximately 20 minutes.

Offered for adoption by Sheridan, carried by McPeek

Roll Call Vote: Ayes: Sheridan, Tomczak, McPeek, Lamberson, Toglia, Howe
 Nays:
 Absent:
 Abstain:

At 10:21 PM meeting resumed to open session. Attorney Provence spoke about items discussed in closed session.

ADJOURNMENT

Motion to adjourn was made by Howe, carried by Sheridan with ayes by all present at 10:23 PM